

MONTANA BOARD OF COSMETOLOGISTS

Policy and Procedure Manual

SUBJECT: COMPLAINT/DISCIPLINARY

Page: (1of 3)
Effective: 1/22/2001
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Approved:

Section: 502 DISCIPLINARY SANCTIONS

Purpose of Policy:

The Board of Cosmetologists establishes guidelines for disciplinary sanctions for licensing and compliance offenses. This policy will enable the Board to maintain consistency with regard to board sanctions for the similar licensing and compliance offenses. The Board may consider mitigating and aggravating circumstances in each disciplinary action. Sanctions may vary within the minimum and maximum range set forth by this policy. The word "violation" as used in this policy means each violation of the Board's statutes and rules for each disciplinary action. The Board considers each disciplinary action on an individual license holder basis, for example: an individual may hold a cosmetology license, booth renter license and school license, a disciplinary action against any of these licensees constitutes a disciplinary action against the individual, not each license category the individual holds. If a licensee receives a disciplinary against each license, the board will count that as three disciplinary actions.

Board Policy:

MINIMUM SANCTION

MAXIMUM SANCTION

1. First Disciplinary Action:

\$50.00 fine and/or
1 year probation and/or
Letter of Reprimand

\$1,000.00 fine per violation and/or
5 years probation and/or
Remedial Education and/or
Monitoring of Licensee and/or
Suspension and/or
Revocation

2. Second Disciplinary Action (within a 3 year period of the first offense):

\$250.00 fine and/or
2 year probation and/or

\$1,000.00 fine per violation and/or
5 years probation and/or
Remedial Education and/or
Monitoring of Licensee and/or
Suspension and/or
Revocation

MINIMUM SANCTION

MAXIMUM SANCTION

3. Second Disciplinary Action (within a 5 year period of the first offense):

\$100.00 fine and/or
1 year probation and/or
Letter of Reprimand

\$1,000.00 fine per violation and/or
5 years probation and/or
Remedial Education and/or
Monitoring of Licensee and/or
Suspension and/or
Revocation

4. Third Disciplinary Action (within a 3 year period of the first offense):

\$1,000.00 per violation and/or
3 years probation and/or
Suspension and/or
Revocation

5. Third Disciplinary Action (within a 5 year period if the first offense):

\$1,000.00 fine and/or
2 year probation and/or

\$1,000.00 fine per violation and/or
5 year probation and/or
Remedial Education and/or
Monitoring of Licensee and/or
Suspension and/or
Revocation

6. Non-compliance of a Board Final Order

Summary Suspension

7. For violations which constitute eminent danger to public health, safety and welfare.

Remedial Education and/or
Monitoring of License/reportable and/or
Suspension (Summary) and/or
Revocation

8. Violations regarding a licensee failing to response to a board request or inquiry:

Letter of Reprimand and/or
\$100.00 fine

\$500.00 fine per violation and/or
3 years probation and/or
Suspension and/or
Revocation

(2 of3)

9. Violations regarding unlicensed practice of individuals under the board's jurisdiction as determined by the board, such as failure to renew a license, improper or no booth rental license, improper or no salon license or salon owners and managers aiding and abetting unlicensed practice the sanction guidelines are as follows:

- A. **First Offense:** The minimum is a \$50.00 fine for the first 30 days without the license and the fine doubles after every 30 days including probation. The maximum is \$1,000 fine per violation and 2 years probation.

Up to 30 days \$50 fine
Up to 60 days \$100 fine
Up to 90 days \$200 fine
Up to 120 days \$400 fine and 1 year probation
Up to 150 days \$800 fine and 2 years probation
After 150 days \$1,000 fine and 2 years probation

- B. **Second Offense:** The minimum is a \$100.00 fine for the first 30 days without the license and the fine doubles the first offense including probation. The maximum is \$1,000 fine per violation and 3 years probation.

Up to 30 days \$100 fine and 2 years probation
Up to 60 days \$200 fine and 2 years probation
Up to 90 days \$400 fine and 2 years probation
Up to 120 days \$800 fine and 2 years probation
Up to 150 days \$1,600 fine and 2 years probation
After 150 days \$2,000 fine and 2 years probation

- C. **Third Offense:** The minimum is suspension or revocation of license.